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October 18, 2022

Via ECF

Hon. Phillip M. Halpern
Federal Building and Courthouse
300 Quarropas Street, Room 530
White Plains, New York 10601

**Re: *Gioia, et al. v. Project Veritas, et al.*,
Case No. 22-cv-06710; Response to Motion to Continue**

Dear Judge Halpern:

We represent Defendants Project Veritas, James O’Keefe, and Tom O’Hara (collectively “PV Defendants”), and we write in response to the letter filed by Plaintiffs’ counsel yesterday (Dkt. No. 27) in which Plaintiffs request a continuance of the motion to dismiss process in light of the Court’s mediation referral Order.

Plaintiffs’ counsel did not confer with us prior to making his request. As his letter states, we served a pre-motion letter on Plaintiffs’ counsel on October 10, 2022. Plaintiffs have not responded to that letter. Since the Court has not formally stayed PV Defendants’ time to respond, we are prepared to file a pre-motion letter with the Court today, consistent with the Court’s Rule 4(c)(ii). We will plan to do so unless the Court directs otherwise.

Finally, we note that Plaintiffs’ counsel’s description of the deficiencies identified in our pre-motion letter is materially misleading. There are a number of fatal deficiencies in the First Amended Complaint—including releases executed by two of the Plaintiffs, statute of limitations

issues, deficiently pleaded claims, and claims asserted against the wrong defendants—providing substantial grounds for dismissal.

We thank the Court for its attention to this matter.

Very truly yours,

ABRAMS FENSTERMAN, LLP

/s/ Justin T. Kelton

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